

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

July 22, 2009

Board of Land
and Natural Resources
Honolulu, Hawaii

Request for Approval of a Special Activity Permit 2009-104 for Mr. Matthew Iacchei of
The University of Hawaii, Zoology Department, and Designated Assistants

The applicant proposes to conduct activities relating to research on Hawaiian spiny and slipper lobsters, plus various non-regulated marine species. These activities include the non-lethal take of lobsters and the lethal take of various non-regulated species Statewide. The listed non-regulated species would be retained only if caught incidentally to the lobsters. The Division of Aquatic Resources has worked extensively with Mr. Iacchei to limit the impacts of this project. Only legal gear will be used.

RECOMMENDATION:

"That the Board authorize and approve, with stated conditions, this Special Activity Permit for Mr. Matthew Iacchei of the University of Hawaii, Zoology Department."

Respectfully submitted,



DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN
Chairperson

State of Hawaii
Department of Land & Natural Resources
DIVISION OF AQUATIC RESOURCES
1151 Punchbowl Street, Room 330
Honolulu, Hawaii 96813

SPECIAL
ACTIVITY PERMIT NO. SAP 2009-104

Date of Issue: July 10, 2009

Expiration Date:
Valid for not longer than one year
from date issued.

SPECIAL ACTIVITY PERMIT

The Board of Land and Natural Resources hereby grants permission for certain collection of organisms belonging to the people of Hawaii, under Section 187A-6, Hawaii Revised Statutes, and other applicable laws.

The permittee is

Name:	Mr. Matthew Iacchei	Address:	Zoology Department
Title:	Researcher		2538 McCarthy Hall
Affiliation:	University of Hawaii		Edmondson 152
			Honolulu, HI 96822

This permit is issued under the attached conditions, for the purpose of collecting six species of lobsters; two species of spiny lobsters and four species of slipper lobsters. No more than 50 DNA tissue samples from each of the six listed lobster species at four sites (50 samples x 6 species x 4 sites = 1,200 samples) are authorized under this permit. The size of the tissue samples will be of a minimum useable size (from the dactyle tip of one leg from each lobster) and will be obtained using a non-lethal method. All sampled lobsters will be returned live to the location where they were collected.

Female spiny lobsters: It is illegal to take any female spiny lobster, whether it is berried or unberried. This permit only exempts capture and collection of unberried female spiny lobsters for the purpose of obtaining tissue samples. The restriction on capturing and collecting tissue samples from berried female spiny lobsters is not exempted with this permit. If a berried female spiny lobster is captured it must be recorded on the net-set inventory and then returned alive to the location of capture immediately.

The fifth leg of any unberried female spiny lobster captured and collected under this permit for tissue samples will not be used as it is a specialized appendage used by female lobsters during the egg bearing phase.

Female slipper lobsters: It is illegal to take berried female slipper lobsters. This permit does not exempt the capturing and collecting of berried slipper lobsters for tissue samples. Only unberried female slipper lobsters will be captured and collected for tissue samples. If a berried female slipper lobster is captured or collected it must be recorded on the net-set inventory and then returned to the location of capture immediately.

The fifth leg of any unberried female slipper lobster captured and collected for tissue samples will not be used as it is a specialized appendage used by female lobsters during the egg bearing phase.

This permit details the conditions under which tissue samples may be collected for lobster genetics and connectivity studies on lobster populations throughout the Hawaiian Chain by the primary permittee and designated assistants on the attached list.

This permit authorizes the primary permittee (and the assistants designated on the final page(s) of the permit) to **TAKE, POSSESS, TRANSPORT, CATCH, and KILL** the listed marine life from the waters of the State as follows:

Common Name	Scientific Name	Maximum No. of Specimens	Collecting locations
Spiny lobster	<i>Panulirus marginatus</i> <i>Panulirus penicillatus</i>	No more than 50 of each species of spiny lobster per collecting location may be captured. No more than a total of 200 specimens per listed lobster species may be captured during the effective period of this permit. Only tissue samples will be collected. No animals will be sacrificed.	Hawaii, Oahu, Maui Nui complex*, Kauai
Slipper lobster	<i>Scyllarides squamosus</i> <i>Scyllarides haanii</i> <i>Arctides regalis</i> <i>Parribacus antarcticus</i>	No more than 50 of each species of slipper lobster per collecting location may be captured. No more than a total of 200 specimens per listed lobster species may be captured during the effective period of this permit. Only tissue samples will be collected. No animals will be sacrificed.	Hawaii, Oahu, Maui Nui complex*, Kauai
By-catch bony fish spp.	<i>Lutjanus kasmira</i> <i>Lutjanus fulvus</i> <i>Cephalopholis argus</i> <i>Myripristes berndti</i> <i>Priacanthus meeki</i>	No more than 30 of each listed by-catch fish species per collecting location may be kept. No more than a total of 120 specimens per listed by-catch fish species may be kept during the effective period of this permit. The whole fish will be sacrificed.	Hawaii, Oahu, Maui Nui complex*, Kauai
By-catch eel spp.	<i>Echidna nebulosa</i> <i>Enchelycore pardalis</i> <i>Gymnothorax albimarginatus</i> <i>Gymnothorax eurostus</i> <i>Gymnothorax flavimarginatus</i> <i>Gymnothorax meleagris</i> <i>Gymnothorax steindachneri</i> <i>Gymnothorax undulatus</i> <i>Gymnomuraena zebra</i> <i>Gymnothorax javanicus</i> <i>Gymnothorax rueppellii</i>	No more than 15 of each listed by-catch eel species per collecting location may be kept. No more than a total of 60 specimens per listed by-catch eel species may be kept during the effective period of this permit. The whole animal will be sacrificed.	Hawaii, Oahu, Maui Nui complex*, Kauai
By-catch invertebrate spp.	<i>Calcinus hazletti</i> <i>Calcinus latens</i> <i>Calcinus haigae</i>	No more than 50 of each listed by-catch crab species per collecting location may	Hawaii, Oahu, Maui Nui complex*, Kauai

	<i>Charybdis hawaiiensis</i> <i>Dardanus megistos</i> <i>Dardanus gemmatus</i>	be captured. No more than a total of 200 specimens per listed by-catch crab species may be captured during the effective period of this permit. Only tissue samples will be collected. No animals will be sacrificed.	
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*Note: Maui Nui on this permit is considered Maui, Lanai and Molokai.

I. GENERAL CONDITIONS:

A. This permit does not make the Board of Land and Natural Resources or the State of Hawaii liable in any way for any claim of personal injury or property damage to the primary permittee or designated assistants which may occur during collection activity authorized by this permit; moreover, the primary permittee and all designated assistants agree to hold the State harmless against any and all claims of personal injury, death or property damage resulting from activities of the primary permittee or any designated assistant.

B. This permit conveys a privilege to engage in only those activities under the jurisdiction of the Division of Aquatic Resources (DAR). The primary permittee is responsible for complying with all applicable County, State, and Federal requirements. The permit does not convey any privilege of access over or through private property.

C. The primary permittee and each designated assistant are individually responsible and accountable for their actions while conducting activities authorized under this permit; additionally, the primary permittee is responsible and accountable for the actions of the primary permittee's designated assistants.

D. This permit is not transferable or assignable. Any person whose name does not appear on this permit and is conducting any activity described herein is subject to prosecution for violation of State laws.

E. The primary permittee may request changes to the permit. Any such request to make changes to the permit must be made in writing and received by the Division of Aquatic Resources at least two weeks prior to initiation of the change. All changes, including personnel changes, will require each individual on the permit to sign an "Attachment" stating that they have read, understood, and agree to abide by all general and special permit conditions for the amendment to the SAP. No change may be implemented without written approval from the Department.

F. The primary permittee may request to:

1. Add designated assistants to the permit by having each assistant sign an "Attachment" and send the document to DAR;
2. Add or remove a permittee (co-permittee) or be replaced by another primary permittee in the manner stated above;
3. Change the activities allowed under this permit in the manner stated above; and
4. Add or change the gear used under the permit.

G. A copy of this permit and any/all permit amendment must be carried by the primary permittee and/or designated assistant while performing collecting activities authorized by this permit.

H. This permit authorizes collection of organisms protected by Federal law only with prior appropriate Federal authority, which must be described on Page 1 of this permit (if applicable).

- I. The permit is not to be used for nor does it authorize the transferring or sale of collected organisms.
- J. The permittee will submit a monthly status report to DAR no later than 10 working days after the end of the previous month. The report will include information including but not limited to the net-set inventory list for the period that the report covers, project progress, problems and lost gear.
- K. This permit expires on the date indicated on Page 1. Within thirty (30) days of the expiration date, or termination of the project, whichever occurs first, the primary permittee must return this permit to DAR. The primary permittee must also submit the following; 1) complete information on all collecting done under this permit on the Activity Report Form provided as part of this permit; 2) copies of data sheets (either hard copy or electronic); 3) provide DAR with a final field report, that includes but is not be limited to, the findings and initial results of the project/research conducted under this permit including data analysis, conclusions and recommendations within thirty (30)days of the expiration date of the permit, the termination of the project, or reapplying for another SAP.
- L. The primary permittee and designated assistants agree to provide access to data obtained under authority of this permit upon request of DAR, and additionally to provide to the Division a copy of each report prepared with data obtained under this permit and published for distribution. The primary permittee agrees to provide DAR access to organisms obtained and held under this permit for on-site inspection.
- M. A violation of any terms or condition of this permit or any violation of State law not covered by this permit may result in revocation of the permit and other penalties as provided by law. In addition, DAR may consider any such violation as grounds for denying any future permit applications.

II. SPECIAL CONDITIONS:

Lobster species: Unless specifically exempted by this SAP, all current regulations for lobster resources in the State of Hawaii must be observed by the primary permittee and designated assistants when capturing and collecting the listed lobster species for the purpose of collecting tissue samples.

Current State law prohibits the taking of any female spiny and berried female slipper lobsters at any time. A berried lobster is a female that is carrying her eggs externally.

Spiny lobsters:

Female spiny lobsters-It is illegal to take any spiny female lobster, whether it is berried or unberried. This permit allows the capturing and collecting of unberried spiny female lobsters for tissue samples only.

Returning sampled lobsters to reef -Any/all captured berried female spiny lobster MUST not be retained, but returned to the capture location as soon as possible after it has been recorded on the net-set inventory list (refer to reports below). Lobsters will be returned to the location on the reef where they are collected via a release cage. They will not be tossed/dropped into the water from the surface as a means of returning them to the reef.

Net-set inventory -A copy of the net-set inventory must be submitted to DAR along with a monthly status report.

Sampling the lobsters-The fifth leg of any unberried spiny female lobster will not be used for the collection of tissue samples as it is a specialized appendage used by female lobsters during the egg bearing phase.

Minimum size - The legal minimum size for spiny lobsters is 3-1/4 inches carapace length. An exemption to the minimum size restriction is granted provided an inventory of all the undersized spiny lobsters from which tissue samples were collected are maintained. The information collected on the undersized inventory list will include but not be limited to:

- Date
- Location of net-set including GPS coordinates; latitude and longitude to seconds
- Species
- Carapace length
- Sex (if it can be determined)
- Physical condition
- Mutilations

All undersized exempted lobster species will be returned to the location where they were captured as soon as possible via a release cage. They will not be tossed/dropped back into the water.

Slipper lobster:

Female slipper lobsters-It is illegal to take berried female slipper lobsters. This permit does not allow the collecting of tissue samples from berried female slipper lobsters and any/all captured berried female slipper lobsters MUST not be retained, but returned to the capture location as soon as possible after it has been recorded on the net-set inventory list (refer to reports below). Lobsters will be returned alive to the location on the reef where they were collected via a release cage. They will not be tossed/dropped into the water from the surface as a means of returning them back to the reef.

Only unberried female slipper lobster may be captured, retained and tissue samples collected from them, under this permit. The fifth leg of any unberried female slipper lobster captured and collected for tissue samples will not be used as it is a specialized appendage used by female lobsters during the egg bearing phase.

Net-set inventory-A copy of the net-set inventory must be submitted to DAR along with the monthly status report.

Minimum size - The legal minimum size for slipper lobsters is 2-3/4 inches tail width. An exemption to the minimum size restriction is granted provided an inventory of all the undersized slipper lobsters from which tissue samples were collected are maintained. The information collected on the undersized inventory list will include but not be limited to:

- Date
- Location of net-set including GPS coordinates; latitude and longitude to seconds
- Species
- Carapace length
- Sex (if it can be determined)
- Physical condition
- Mutilations

All undersized exempted lobster species will be returned to the location where they were captured as soon as possible via a release cage. They will not be tossed/dropped back in the water from the surface.

Mutilation:

It is illegal to mutilate any lobster. This permit allows the primary permittee and designated assistants to **ONLY** obtain the minimal useable size of tissue (mutilate the lobster by removing the dactyle) necessary for the proposed research using a non-lethal method. No other mutilation is allowed.

Non Trap Gear:

The permittee proposes to use hoop nets to collect lobsters for the tissue samples. All current state laws pertaining to the use of nets remain effective. The net mesh must meet the minimum stretch mesh size of two inches. The hoop nets may not be set in restricted areas. Areas with special provisions for use of nets remain effective.

Spear:

Not allowed

Reports:

All marine life captured/taken by the whether specifically listed on this permit or not, must be documented on a net-set inventory list. The net-set inventory list is attached and submitted to DAR each month with the monthly status report.

Information recorded on the trap-set inventory list will consist of, but not be limited to, the following;

- Date

- Location of net-set including GPS coordinates; latitude and longitude to seconds

- Number of each species per net-set (identified to the ability of the researcher)

- Length of each individual or a random sub sample of 30 individual (see Hawaii fishing regulations, total length if not listed)

- Species of each individual collected

- Sex of each individual collected

- Physical condition of each individual collected

- Mutilations of each individual collected

- Condition of each individual animal, live or dead, collected

- Reproductive condition of each individual collected

- Final Disposition of animal

 - Kept for research/project individually identified on inventory list

 - Given to another researcher individually identified on inventory list

 - Returned to capture location (can be reported as a count)

Each species shall be digitally photographed and copies of the photos submitted to DAR.

Disposition of captured marine life:

A final disposition list of all marine life **retained** must be maintained. The information recorded on the disposition list will consist of but not be limited to, the following;

- Each retained species

- Number of individuals of each species retained

- Disposition of retained marine life means:

 - Identifying the person to whom the marine life was given/sent to;

 - Identifying the location/place that the marine life was sent/taken

Closed season:

May through August is closed season for all lobster species. The permit authorizes capture of only the listed lobster species during the closed season for the effective period of the permit, so that tissue samples may be taken. Any/all marine life captured/taken whether specifically listed on this permit or not, must be documented and the final disposition of the marine life listed on the final disposition list. The net-set inventory list is attached and submitted to DAR each month with the monthly project status report.

CAUTIONARY REMINDERS:**Lobsters and crabs:**

The primary permittee and designated assistants will be responsible for keeping the lobsters and crabs listed on this permit alive and return them to the location where they were captured after the tissue sample is taken and they are recorded on the net-set inventory list. The technique for acquiring the tissue samples from the lobsters and crabs will be non-lethal to the animals. The crab and lobster will be returned to the reef where they were collected via a release cage. They will not be tossed or dropped into the water from the surface.

Pole snare:

Not allowed

Location:

1. Collections are allowed in the waters of the State, **EXCEPT** at the following Marine Life Conservation Districts (MLCDs), Shoreline Fisheries Management Areas (SFMAs), Marine Life Refuge (MLRs), Public Fishing Areas (PFAs), Natural Area Reserves (NARs), Fishery Management Areas (FMAs) and other prohibited locations or areas that may be designated as such during the effective period of this permit.

—OAHU—

Hanauma Bay MLCD
Pupukea MLCD
Waikiki MLCD
Coconut Island MLR
Heeia Kea Wharf FMA
Waialua Bay FMA
Pokai Bay FMA
Honolulu Harbor FMA
Ala Wai Canal FMA
Kapalama Canal FMA
Wahiawa PFA
Diamond Head SFMA
Nuuanu Freshwater
Fish Refuge
Haleiwa Harbor FMA
Paiko Lagoon Wildlife
Refuge

—LANAI—

Manele-Hulopoe MLCD
Manele Harbor FMA

—HAWAII—

Kailua Bay FMA
Waiakea PFA
Wailea Bay MLCD
Lapakahi Bay MLCD
Kealahou Bay MLCD
Hilo Bay FMA
Wailoa River FMA
Wailuku River FMA
Puako Bay & Reef FMA
Kawaihae Harbor FMA
Old Kona Airport MLCD
Kiholo Bay FMA
Kona Coast FMA
Waiopae Tidepools MLCD
West Hawaii Regional
Fisheries Management Area

—MOLOKAI—

Kauanakahai Harbor FMA

—MAUI—

Kahului Harbor FMA
Honolua-Mokuleia Bay MLCD
Molokini Shoal MLCD
Ahihi-Kinau NAR

—KAUAI—

Waimea Recreation Pier &
Waimea Bay FMA
Kapaa Canal FMA
Waikaena Canal FMA
Kokee PFA
Ahukini Recreational
Pier FMA
Hanamaulu Bay FMA

Discretion should be used by the primary permittee and designated assistants to avoid conflict with fishermen or others during collecting activities at any location.

2. The use of any chemical substance is expressly prohibited under this permit. The primary permittee and designated assistants, however, may have in possession a reasonable amount of preservatives such as formalin or alcohol for preserving the collected tissue samples.
3. The primary permittee and designated assistants are required to obtain permission before entering upon lands or waters not under the jurisdiction of DAR (see "B", General Conditions, page 3 of this permit).
4. This permit does not by implication, authorize the primary permittee or any designated assistant to engage in any other activity if in violation of any other State, Federal or County law, regulation or ordinance.
5. The primary permittee or a designated assistant responsible for the field collecting activity shall notify the Division of Conservation and Resources Enforcement at least 24 hours in advance of any field collecting activity and provide such information as: location; date; time; and number of persons to be involved.
Telephone: Honolulu 587-0077; Hawaii 974-6208; Maui 984-8110; Kauai 274-3521; or Molokai 567-6618.

PRIMARY PERMITTEE: _____

Print or type name

Date _____

DESIGNATED ASSISTANTS:

Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
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Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____

ACTIVITY REPORT

Results of all activities performed under authority of this permit must be reported on this form (or copies) within one month after the permit expires (see first page). Use as many sheets as you need. Submit the report to the Division of Aquatic Resources at 1151 Punchbowl Street, Room 330, Honolulu, HI 96813.

Date	Location	Common or Scientific Name	Quantity Collected*	Disposition of Specimens
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Primary Permittee Signature

Print name

Signature

Date

*If salvaged (collected because the specimen was dead or injured already), please detail circumstances: condition (dead, or describe extent of injury), how or from whom the specimen was obtained.